

#### REMARKS/ARGUMENTS

Currently in the case, after amendment, claims 1 - 4 & 7 - 8 are pending and rejected.

This Amendment responds to the aforementioned Office Action, wherein the claims as originally presented were rejected under Title 35 of United States Code, §§112, 102 & 103. The Examiner's remarks have been carefully considered and, in view of the cited art, the claims which have amended to more particularly point out the distinctly claimed what Applicants regard as the subject matter of this present invention, it is sincerely believed that the claims which remain in the instant case patentably distinguish over all the prior art references. It is respectfully requested that this Application be re-examined in view of the following remarks, that the rejections be withdrawn, and that allowable subject matter be identified.

The points raised by the Examiner in the written office action will be responded to in the order they were discussed by the Examiner in the Office Action.

Under the section headed "Drawings", the objection to the drawings are believed to have been overcome by amendments to typographical errors in the specification. In response to the Examiner's requirements, the applicant has included a replacement sheet showing number 53 in Figure 1 and number 21 in Figures 1 and 2. The number 62 exists in the specification as referring to a number of degrees and does not refer to a drawing.

In paragraph 6, the Examiner complained of grammatical incorrection. The sentence "At the ends of the extensions 33 and

35 an insertion member (not shown) extends into a leg member 37 and into a leg member 39, respectively". An insertion member can extend into two structures, respectively. Applicant believes this sentence to be grammatical.

In line 4 of page 12, the statement "For a tire and hub assembly of about 38 inches in diameter, a tilt angle limited to about 62 degrees from horizontal, the height of the pivot should be about .88 times the radius of 19 inches or about 17 inches." This sentence makes sense, but may be improved by replacing the first comma in the sentence and this has been done. The term "an" is replaced by "a" on page 14.

With regard to paragraph 7, the term "to facilitate at least one of a hub and tire assembly handling and hub and tire assembly sealed pressurization" follows the rule of not claiming in the alternative. A more grammatical statement would be "to facilitate hub and tire assembly handling or hub and tire assembly sealed pressurization". However, this would violate the rule on claiming in the alternative and thus claim 1 is correct as written.

The term "a" is omitted from the claims wherever superfluous. "From about" is used instead "of from about" and lines 7-9 the word "a" has been eliminated. The remainder of this phrase is grammatical.

In paragraph 8, it is clear that the pivot axis is to one side of the center of gravity *in the direction of* the horizontal position. Thus, the center of gravity is away from the pivot and toward the stop. Put another way, and more closely aligned with the claim, the center of gravity is to one side of the pivot

axis. It is on the pivot axis side in the direction of the horizontal position. This is what gives the device such good utility and distinguishes over Roesch.

The claims 1-5 & 8 are rejected as anticipated by U.S. Patent No. 3,067,789 to Roesch. The Roesch device has a wrench handle and pivot which is dead center on the support (and tire) center of gravity. It is up high, such that even in the tilt position, there is half a tire diameter off the floor. In the Roesch device, the user must LIFT the tire on and off. The purpose of Applicant's claimed invention is to enable really large tires to be handled, not to have 5 workers lift the tire a full half diameter off the floor (and in the case of large tires possibly over the heads of workers).

Claim 2 claims a range of motion which is not seen in Roesch. Column 1 of Roesch talks of "near vertical". This limitation is not met for several reasons. One is the distance from the ground. Second, if Roesch had the claimed near distance to the ground in claim 1, a worker would be working against friction to try and start moving the tire to horizontal. The tire is rounded and any angle which comes that close to vertical with the tire on the ground would bind. The use of the Roesch device with "high, near vertical" kills the purpose of the invention, can hurt workers & would definitely not facilitate single user manipulation.

The angle ranges in claims 2-4 approach a narrower optimum. Without part of the angle of tilt being established on initial contact, workers must lift the tire, a back breaking proposition. The range of angles are important, & ROESCH teaches against them.

In paragraph 12, the Examiner rejects claim 6 over U.S. Patent No.s 1,704,440 to Little and 1,936,984 to Listbarger.

Little has a counter weight 15 on a sliding rod but again, the tire is mounted vertically (not close to the ground) and up high. The location of the pivot, given the weight system, is superfluous. The weight can be suspended at an angle and counteract, or reinforce any weight distribution.

Listbarger has a complex mechanical assembly for tilting the tire, but again, (1) it is up high, and (2) has a complex system of seven pivots so that the location is meaningless. Support is distributed, and the center of gravity is between two equally supportive pivot points 4 and 16.

Therefor, claim 6 is believed to be in condition for allowance because no combination of the cited references gives the proper height and pivot.

In paragraph 13, claim 7 was rejected over Gambardella for showing a three plate structure. Claim 7 is believed to be in condition for allowance based upon dependence from claim 1.

**Conclusion:** None of the structures seen in the cited references have the angular relationship which would enable a single worker to roll a tire to the stand, tilt it into a position of stability (not vertical), and then complete the tilt of the tire to the horizontal position based upon the center of gravity relationship to a pivot, and then assist in tilting the tire to a position touching the ground while still supported by the upper support, and then enable tilting off the device for further handling and transport.

To make the claims clearer, the position of the center of

gravity with respect to the pivot is combined with the stability requirement of claim 5 and incorporated into claim 1. Thus, claim 1 has the elements of low height to enable the tire to touch, along with offset center of gravity and horizontal balance stability, while the remaining claims relate to angular limitations which have definately NOT been seen in the references, as well as the plate and extension limitations which exist in addition to the limitations of claim 1.

The rejections under §§112, 102, & 103 having been explained, met and overcome, claims 1 - 4 & 7-8 are currently in condition for allowance, and an indication of such is respectfully solicited.

Applicant requests reconsideration and ultimate allowability of all aspects of the case, including all of claims 1 - 4 & 7-8.

The Examiner is invited to telephone Applicant's Attorney at the number below between the hours of 1:00 p.m. and 6:00 p.m. Eastern Standard Time, if such will advance this case.

Dated: July 25, 2005

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Docket: ROUTRUBIO-1

DATE OF DEPOSIT: July 25, 2005

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